IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 3495 of 2007(N)

PETITIONER:

P.JAYASREE AMMA, SELECTION GRADE
LECTURER (MATHEMATICS), SREE SANKARA COLLEGE,
KALADY.

BY ADV. SRI.S.RADHAKRISHNAN

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY, DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT SECRETARIATE, TRIVANDRUM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, DIRECTORATE COLLEGIATE EDUCATION,
ERNAKULAM.

3. THE MANAGING DIRECTOR,
SREE SANKARA COLLEGE, KALADY,
ERNAKULAM DISTRICT.

4. M.G.UNIVERSITY, REPRESENTED BY
THE REGISTRAR, PRIYADARSINI HILLS,
ATHIRAMPUZHA, KOTTAYAM.

BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN
SRI. T.A. SHAJI, SC, M.G.UNIVERSITY
GOVT.PLEADER SRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (wp>3495/2007)

EXT.P1: TRUE COPY OF APPOOINTMENT ORDER DT. 2/12/1994.

EXT.P2: TRUE COPY OF ORDER DT. 22/8/1995.

EXT.P3: TRUE COPY OF ORDER DT. 9/8/2002.

EXT.P4: TRUE COPY OF PROMOTION ORDER DT. 22/2/2005.

EXT.P5: TRUE COPY OF ORDER DT. 3/12/2005.

EXT.P6: TRUE COPY OF ORDER DT. 23/12/2006.

EXT.P7: TRUE COPY OF ORDER DT. 16/10/2003.

EXT.P8: TRUE COPY FO ORDER DT. 23/7/2002.

EXT.P9: TRUE COPY OF STATEMENT.

A.K. Basheer, J.

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W.P(C) No. 3495 of 2007

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Dated this the 9th day of August, 2007.

J U D G M E N T

Petitioner is a Selection Grade Lecturer in the Department of Mathematics in Sree Sankara College, Kalady. According to her she was promoted as Selection Grade Lecturer with effect from August 12, 2004 by Ext.P4 order dated February 22, 2005. Mahatma Gandhi University had approved the above promotion with effect from the instant date. Ext.P5 is the true copy of the order of approval issued by the University. However respondent No.2 took the view that approval for the promotion can be given only with effect from April 1, 2006 for the reasons stated in Ext.P6 order.

2. It is in the above circumstances that the petitioner has preferred this writ petition praying for a direction to respondent No.2 to approve her promotion as Selection Grade Lecturer with effect from December 8, 2004 as ordered by the management and also as approved by the University.

3. It is contended by the petitioner that the University had approved her promotion after reckoning the workload in the Department. Learned counsel has invited my attention to Ext.P7 statement of re-assessment of workload which is seen to have been signed by the Additional Director of Collegiate Education. Petitioner also places heavy reliance on Ext.P8 order issued by the Higher Education Department in this connection. It is contended by the

petitioner that the workload was correctly assessed by the University before approving her promotion. If respondent No.2 had any reservations about the workload or the order of approval issued by the University, clarifications could have been called for. Learned counsel submits that the reasons stated by respondent No.2 in Ext.P6 order restricting the promotion only with effect from April 1, 2006 is totally illegal and unsustainable.

4. I do not propose to deal with the various contentions raised by the petitioner at this stage particularly in view of the decision rendered by a Division Bench of this Court in WA.940/2007 and connected cases. In my view, respondent No.2 has to necessarily consider the issue afresh in the light of the directions contained in the judgment mentioned supra. If he is of the view that clarifications have to be called for in the matter of approval of petitioner's promotion, it will be open to him to do so. However it shall be ensured by respondent No.2 that the entire process is completed and the entire arrears are disbursed within three months from the date of receipt of a copy of this judgment . If such clarifications are sought for by respondent No.2, the University shall furnish those clarifications without any delay in order to enable respondent No.2 to complete the process within the time frame mentioned above.

Writ Petition is disposed of in the above terms.

A.K. Basheer
Judge.

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